IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

Cri. Application No.1556/2006 in
Criminal Appeal No. 234/2006

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. : Court's or Judge's orders

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CORAM : D.S. Zoting &
A.P.Lavande, JJ.
DATED : 22nd August 2006

Heard Mr. Patwardhan, learned counsel for the appellant/applicant and Mr. Mandape, learned Additional Public Prosecutor for the respondent/State.

The applicant has filed this application under section 389 of the Code of Criminal Procedure for suspension of sentence and for bail. He has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life. The appeal preferred by the applicant has been admitted. He was prosecuted for having

committed murder of his mother Meerabai Chaudhari. The conviction is based on circumstantial evidence.

The following circumstances have been relied upon by the trial Court:-

There was dispute between deceased Meerabai and accused as regards the partition of field property. Both were residing in the same house but in different portion. P.W. 5 Dhrupadabai was residing near the house of deceased Meerabai. The other two ladies PW 3 Shanukabai and PW 6 Saibai who were neighbours of the deceased Meerabai visited to the house of deceased Meerabai and at that time they noticed that deceased Meerabai was asking for water and the accused was present holding stick near her. Meerabai died due to head injuries two days thereafter.

During the investigation, the stick was discovered at the instance of the appellant and human blood was found on the stick. The defence of the accused is of

denial. He failed to explain what had happened on that day when he was present in the house and his mother was shouting. Considering all these circumstances, the trial Court prima facie appears to be justified in relying on all these circumstances to hold the accused guilty of the offence for which he was charged. Considering the nature of evidence, we do not find it fit to suspend the sentence and for grant of bail to the appellant/applicant. The application is rejected.

JUDGE JUDGE

A.